

REMARKS

Claims 1-23 are pending in the Office Action. Though no amendments have been made with this Response, Applicant respectfully provides the Examiner with a claims listing above. The Examiner's rejections will now be respectfully addressed in turn.

Rejections under 35 U.S.C. §102(e)

Claims 1-6, 14, 15, and 22 have been rejected under 35 U.S.C. §102(e) as being anticipated by United States Patent No. 6,807,445 to Bauman ("Bauman" hereinafter). Applicant respectfully traverses this rejection.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

Verdegaal Bros. V. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Applicant's claim 1 recites *inter alia*,

"memory means storing charging control information associated with charging the rechargeable battery."

Bauman does not teach a memory means for storing charging control information associated with charging the rechargeable battery. Referring to the Office Action of July 3, 2007, the Examiner seems to consider the above feature to be equated with the term "energy management," as discussed at column 7 lines 43-46 of Bauman. However, Applicant respectfully asserts that the term "energy management" is known in the art to be interpreted as regulation and/or optimisation of energy consumption of a hearing system, thus resulting in better energy efficiency. Neither the known/accepted meaning of "energy management," nor the teachings of Bauman, link the term "energy management" to battery recharging, control of the charging cycle, or control information regarding recharging of a battery. Instead, Bauman simply discloses a rechargeable battery 42 that is charged wirelessly by means of a charging coil 64 as discussed in

column 11, lines 58-62 and column 12, lines 28-33. There is nothing in these Bauman passages describing battery charging that would explicitly or implicitly teach a memory means for storing charging control information associated with charging the rechargeable battery.

For at least the above reasons, Bauman fails to disclose all of the limitations of claim 1. Accordingly, Bauman does not anticipate claim 1. Applicant respectfully submits that claim 1 is not further rejected or objected and is therefore allowable. Claims 2-6, 14, 15, and 22 variously depend from claim 1, are not further rejected or objected, and are correspondingly allowable. Reconsideration and allowance of claim 1-6, 14, 15, and 22 is respectfully requested.

Rejections under 35 U.S.C. §103(a)

Claims 7-13 and 16-21 has been rejected under 35 U.S.C. §103(a) as being obvious Bauman in view of United States Patent No. 6,075,339 to Reipur (“Reipur” hereinafter). Applicant respectfully traverses this rejection.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Applicant notes that claims 7-13 and 16-21 depend from claim 1. Thus, as Bauman does not teach the memory means for storing charging control information associated with charging the rechargeable battery of Applicant’s claim 1, Bauman does not teach all of the elements of Applicants claims 7-13 and 16-21 (see the 102 Remarks above), and certainly doesn’t teach a data processor that is adapted to provide charging control instructions to control the operation of charging current regulator means in

accordance with the charging control information so as to control a charging cycle of the rechargeable battery, as is recited in Applicant's claim 7. As Reipur does not remedy the deficiencies of Bauman, Applicant respectfully asserts that the proposed combination of Bauman and Reipur also does not teach every element of Applicant's claims 7-13 and 16-21. Accordingly, Applicant respectfully submits that *prima facie* obviousness does not exist regarding amended claims 7-13 and 16-21 with respect to the proposed combination of Bauman and Reipur. Since the proposed combination of Bauman and Reipur fails to teach or suggest all of the limitations of amended claims 7-13 and 16-21, clearly, one of ordinary skill at the time of Applicant's invention would not have a motivation to modify the reference, or a reasonable likelihood of success in forming the claimed invention by modifying. Thus, here again, *prima facie* obviousness does not exist. *Id.*

Claim 23 has been rejected under 35 U.S.C. §103(a) as being obvious Bauman in view of United States Patent No. 6,198,971 to Leysieffer ("Leysieffer" hereinafter). Applicant respectfully traverses this rejection.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Applicant notes that claim 23 depends from claim 1. Thus, as Bauman does not teach the memory means for storing charging control information associated with charging the rechargeable battery of Applicant's claim 1, Bauman does not teach all of the elements of Applicants claim 23 (see the 102 Remarks above). As Leysieffer does not remedy the deficiencies of Bauman, Applicant respectfully asserts that the proposed combination of Bauman and Leysieffer also does not teach every element of Applicant's claim 23. Accordingly, Applicant respectfully submits that *prima facie* obviousness does

not exist regarding amended claim 23 with respect to the proposed combination of Bauman and Leysieffer. Since the proposed combination of Bauman and Leysieffer fails to teach or suggest all of the limitations of amended claim 23, clearly, one of ordinary skill at the time of Applicant's invention would not have a motivation to modify the reference, or a reasonable likelihood of success in forming the claimed invention by modifying. Thus, here again, *prima facie* obviousness does not exist. *Id.*

Conclusion

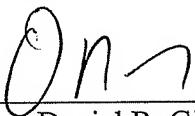
Applicant believes that all of the outstanding objections and rejections have been addressed herein and are now overcome. Entry and consideration hereof and issuance of a Notice of Allowance are respectfully requested.

Applicant hereby petitions for any extension of time under 37 C.F.R. 1.136(a) or 1.136(b) that may be necessary for entry and consideration of the present Reply.

If there are any charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicants' attorneys.

The Office is invited to contact applicant's attorneys at the below-listed telephone number concerning this Amendment or otherwise regarding the present application.

Respectfully submitted,

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